



County of Los Angeles CHIEF EXECUTIVE OFFICE

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Chief Executive Officer

April 8, 2014

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From: William T Fujioka
Chief Executive Officer

SACRAMENTO UPDATE

Executive Summary

This memorandum contains reports on the following:

- **Pursuit of County Position to Oppose AB 1175 (Bocanegra).** This bill would prohibit the California Secretary of Food and Agriculture from entering into a cooperative agreement with Los Angeles County for agricultural inspector services unless, a currently unspecified percent of the agricultural inspector associates not afforded protections as permanent employees employed under these agreements, are afforded protections as permanent County employees. Therefore, unless otherwise directed by the Board, consistent with existing policy to: 1) oppose legislation that mandates or authorizes compensation or benefit changes without approval of the Board of Supervisors; 2) oppose unfunded mandates; and 3) oppose any abridgement or elimination of the Board of Supervisors' powers and duties unless the change promote a higher priority of the Board, **the Sacramento advocates will oppose AB 1175.**
- **Status of Legislation of County Interest. AB 2419 (Garcia),** as amended on March 12, 2014, would authorize the inclusion of management employees in agency shop arrangements in the County of Los Angeles and City of Los Angeles.

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Pursuit of County Position on Legislation

AB 1175 (Bocanegra), which as amended on March 13, 2014, would prohibit the California Secretary of Food and Agriculture from entering into a cooperative agreement with Los Angeles County for agricultural inspector services unless, a currently unspecified percent of the agricultural inspector associates not afforded protections as permanent employees employed under these cooperative agreements, are afforded protections as permanent County employees.

Existing law authorizes the California Secretary of Food and Agriculture to enter into a cooperative agreement with county boards of supervisors and other specified entities for certain purposes. Existing law prohibits the Secretary from entering into a cooperative agreement with Los Angeles County for agricultural inspector services if the agreement requires the County to provide year-round services, unless at least 66 percent of the agricultural inspector aids not afforded protections as permanent employees under the cooperative agreement are afforded protections as permanent employees under the County's civil service or other personnel system.

AB 1175 would provide that, when Los Angeles County enters into a cooperative agreement with the Secretary of Food and Agriculture for year-round services, a percentage (as yet to be determined) of Associate Agriculture/Weights & Measures inspectors must be afforded protections as permanent employees under the County's civil service or other personnel system. However, there is no funding provided in AB 1175, thereby mandating staffing with permanent employees while appropriating no supplemental State funding.

The Agricultural Commissioner/Weights and Measures (ACWM) reports that this bill would eliminate the entry-level class in the Agricultural/Weights & Measures inspector series, precluding the ability for incumbents to gain necessary on the job training, meet all educational requirements, and obtain necessary State-issued license to compete for permanent inspector positions. The bill would also require that a trainee inspector position would need to be created in the County's classification system. The ACWM notes that California Code of Regulations specifies that a county agricultural inspector/biologist or weights and measures inspector shall not be directed to perform duties in those categories in which not licensed except under qualified supervision (CCR Title 3, Division 1, Chapter 2, Article 1, Section 109). Therefore, a candidate, prior to consideration for hiring, would be required to already possess State license(s) in categories for which work assignments would be given.

The Agricultural Commissioner/Weights and Measures also indicates that in changing the status of Associate Agricultural/Weights and Measures Inspector from temporary to permanent, the ability of the ACWM to release employees who fail to meet continuing employment and promotional requirements (e.g., demonstrate competency, acquisition of additional State licenses required to perform core functions, etc.) would be significantly impeded.

Lastly, the Agricultural Commissioner/Weights and Measures reports that the costs of staff programs under cooperative agreements with the California Department of Food and Agriculture would increase significantly, introducing uncertainty into the County's ability to apply for agreements with finite funding or resulting in increased Net County Cost expenditures to supplement such activities. For example, multiple cooperative agreements with CDFA involve activities designed to exclude introduction of and/or establishment of invasive pests. Cost impacts associated with the provisions of AB 1175 could preclude ACWM from successfully competing for, or entering into, such agreements in the future.

As currently drafted, the provisions of AB 1175 would only apply to Los Angeles County, and not to other counties in the State.

This office and the Agricultural Commissioner/Weights and Measures oppose AB 1175. The County previously opposed similar legislation including **AB 74** (Chapter 666, Statutes of 2011), **AB 1896** (Chapter 631, Statutes of 2004), and **AB 185** (Chapter 832, Statutes of 2003), all of which prohibited the CDFA from entering into a cooperative agreement with the County of Los Angeles unless a certain percentage or all of agricultural inspector aides were afforded permanent status. Therefore, unless otherwise directed by the Board, consistent with existing policy to: 1) oppose legislation that mandates or authorizes compensation or benefit changes without approval of the Board of Supervisors; 2) oppose unfunded mandates; and 3) oppose any abridgement or elimination of the Board of Supervisors' powers and duties unless the change promote a higher priority of the Board, **the Sacramento advocates will oppose AB 1175.**

Support and opposition to AB 1175 is unknown at this time. The bill is awaiting a hearing in the Senate Agricultural Committee.

Status of Legislation of County Interest

AB 2419 (Garcia), which as amended on March 12, 2014, would authorize the inclusion of management employees in agency shop arrangements in the County of Los Angeles and the City of Los Angeles.

Existing law, under the Meyers-Milias-Brown Act:

- permits an agency shop agreement to be negotiated between a public agency and a public employee organization recognized as an exclusive or majority bargaining agent;
- defines an agency shop as an arrangement that requires employees, as a condition of continued employment, to join the employee organization or to pay the organization a service fee;
- requires that for an agency fee arrangement to be adopted, 30 percent of the employees in the applicable bargaining unit must first sign a petition to hold an election to implement it; of which a majority of employees who cast ballots must then approve; and
- prohibits an agency shop arrangement from applying to management employees.

AB 2419 would allow unions that organize managers in the County of Los Angeles and City of Los Angeles to adopt agency fee arrangements. In addition, the bill declares that a special law is necessary and that general law cannot be applied, because of the complex economic issues faced by and because of the employee relations commission authority given to the County and the City of Los Angeles.

The Chief Executive Office Employee Relations (CEO-ER) Branch reports that non-managerial employee unions in the County have adopted agency fee arrangements by which members pay applicable union dues. Employees of the same bargaining unit who decline membership, must pay a service fee equal to approximately 75 to 85 percent of union dues. CEO-ER indicates that currently, if a union organizes managerial employees, they can only collect voluntary dues from members. However, under AB 2419, Los Angeles County and City unions, if and when they organize managers, would be allowed to impose mandatory union dues or service fees for all managers of the same classification groups.

The Chief Executive Office Employee Relations Branch notes that the County currently has only one group of managers organized under a union; however, enactment of AB 2419 would likely incentivize unions to organize more manager groups. CEO-ER expresses concerns that increased organized manager groups, reinforced by mandatory fees, could create potential conflict of interest issues for managers that the County relies on for making independent decisions. For example, CEO-ER notes that in matters where County administration and employee organizations differ in opinion,

Each Supervisor
April 8, 2014
Page 5

managerial employees could potentially be conflicted as to whether to manage their operations based on the County position or their union's position. CEO-ER believes that the imposition of a mandatory service fee to non-member managers would impose similar issues, creating questions as to whether the mandated fee payments and representation aligns with the union's recommendations or those of the County.

In addition, the County could experience other potential issues related to managers who declined union membership and/or who did not wish to be represented in the first place, but would be subject to the agreements made by a small percentage of their peers. CEO-ER notes that union dues are a set percentage based on monthly earnings, and that managers who are in an agency shop bargaining unit could pay a significantly higher amount of dues or fees without choice. Finally, CEO-ER notes that this measure singles out Los Angeles County and City for a special law under an overly broad declaration, and that consideration of independence from the California Public Employment Relations Board, under the County's and City's employee relations commission allowance, is irrelevant.

There is no existing Board-approved policy related to authorizing the inclusion of management employees in agency shop arrangements; therefore, any advocacy on AB 2419 is a matter of Board policy determination.

AB 2419 is supported by the American Federation of State, County, and Municipal Employees, AFL-CIO. Currently, there is no registered opposition on file. The measure is scheduled for hearing in the Assembly Public Employees, Retirement and Social Security Committee on April 23, 2014.

This office will closely monitor AB 2419 and will keep the Board apprised of any developments.

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MR:VE:IGEA:ma

c: All Department Heads
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